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**UNITED STATES BANKRUPTCY COURT**  
**EASTERN DISTRICT OF WASHINGTON**

In re:

GIGA WATT, Inc., a Washington  
corporation,  
Debtor.

Case No. 18-03197-FPC

The Honorable Frederick P. Corbit  
Chapter 7

MARK D. WALDRON, as Chapter 7  
Trustee,

Plaintiff,

vs.

PERKINS COIE LLP, a Washington  
limited liability company, LOWELL  
NESS, a California resident,  
GIGAWATT PTE. LTD., a Singapore  
corporation, ANDREY KUZENNY, a  
citizen of the Russian Federation,

Defendants.

Adv. Case No. 20-80031

**STIPULATED MOTION AND  
STIPULATION REGARDING  
PROTECTIVE ORDER**

By and through undersigned counsel, Mark D. Waldron, in his official  
capacity as the Chapter 7 Trustee (“Trustee”) in the above-captioned case, on the  
one hand, and Perkins LLP and Lowell Ness (collectively, “Perkins”), on the other

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PROTECTIVE ORDER – Page 1

1 hand, hereby ask the Court to approve the Stipulation which the Trustee and  
2 Perkins have entered into, subject to this Court's consent:

3 **RECITALS**

4 A. On November 19, 2020, the Trustee commenced the above-captioned  
5 adversary against Perkins ("Adversary Proceeding").

6 B. Both the Trustee and Perkins have served subpoenas, and in the case  
7 of the Trustee, turnover demands upon various third parties ("Discovery Third  
8 Parties"). The Trustee and Perkins may serve additional subpoenas and/or turnover  
9 demands on additional Discovery Third Parties.

10 C. Certain Discovery Third Parties have asserted that documents  
11 responsive to the Parties' subpoenas and turnover demands may contain financial  
12 or other sensitive information. These Discovery Third Parties have asked the  
13 Trustee to obtain a protective order before they produce the requested documents.

14 Based on the foregoing, the Parties seek entry of a Protective Order  
15 approving the Stipulation as set forth below.

16 **STIPULATION**

17 1. In producing documents and information to the Trustee and/or  
18 Perkins, a Discovery Third Party may designate as "Confidential" any document  
19 which it reasonably and in good faith believes to contain information involving  
20 business, financial, or personal information which should reasonably be protected  
21 from public disclosure or dissemination. Such designations shall be made by  
22 stamping or otherwise affixing the label "Confidential" on such documents. This

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1 provision is without prejudice to the right of the Trustee or Perkins to contest such  
2 designation.

3       2. Unless otherwise ordered by the Court or agreed to in writing by the  
4 Trustee, Perkins, and the Discovery Third Party, Confidential documents may be  
5 used only for purposes relating to the above-captioned bankruptcy case and/or  
6 adversary proceeding (collectively, “Bankruptcy Case”), and may be disclosed  
7 only to:

- 8           a. Any party in interest to the Bankruptcy Case concerned with  
9               the issues then in dispute relating to such Confidential  
10              documents; for the avoidance of doubt, parties in interest  
11              include, but are not limited to, the Trustee, Perkins, and its  
12              insurer;
- 13           b. Any mediator involved in the Bankruptcy Case and any  
14              participant in mediation involving the Bankruptcy Case;
- 15           c. The Court, court personnel, court reporters, and their staff;
- 16           d. The counsel of record in the Bankruptcy Case, as well as their  
17              staff to whom it is reasonably necessary to disclose the  
18              information for this litigation;
- 19           e. Experts and consultants to whom disclosure is reasonably  
20              necessary;
- 21           f. Any non-party vendor retained to assist any party in interest to  
22              this adversary proceeding and their attorneys with litigation-

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1 related activities, such as processing, copying, imaging, and  
2 management of documents;

3 g. During their depositions or in any hearing or pretrial  
4 proceeding, witnesses in the action to whom disclosure is  
5 reasonably necessary; and

6 h. The author or recipient of a document containing the  
7 information or a custodian or other person who otherwise  
8 possessed or knew the information contained in the document.

9 3. Confidential documents, or information derived from Confidential  
10 documents, shall not be filed with the Court or included in pleadings, motions,  
11 declarations, etc., except when such information and documents and any portion(s)  
12 of such pleadings, motions, declarations, etc., that reference such material are  
13 accompanied by a motion to seal pursuant to LBR 9018-1, unless otherwise  
14 ordered by the Court. The Trustee and Perkins each reserve the right to ask for an  
15 Order allowing the Confidential documents to be filed on the public docket and  
16 admitted into evidence without seal and to further request shortened notice.

17 4. Documents or information designated as Confidential may be  
18 provided to the Court *in camera* pending a decision on any motion to seal. If the  
19 Court grants the motion to seal the material, the Confidential material shall be filed  
20 with the clerk in accordance with local rules.

21 5. The Trustee, Perkins, and any Discovery Third Party shall meet and  
22 confer regarding the procedures for use of any materials designated as Confidential

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1 at trial or any hearing held in open court. If the parties are unable to resolve a  
2 dispute related to the use of Confidential material in open court, then the Trustee or  
3 Perkins shall request relief from the Court and such relief shall be heard on an  
4 expedited basis of ten (10) days or less, subject to the Court's calendar.

5 6. Any party may challenge a designation of confidentiality at any time.  
6 Any motion regarding Confidential designations or for a subsequent Protective  
7 Order must include a certification, in the motion or in a declaration or affidavit,  
8 that the movant has engaged in a good faith meet-and-confer conference with other  
9 affected parties in an effort to resolve the dispute without Court action.

10 7. Within 60 days after the termination of this bankruptcy, including all  
11 appeals, each person possessing "Confidential" documents shall use reasonable  
12 efforts to destroy all confidential material, including all copies, extracts,  
13 compilations, and summaries thereof.

14 8. The Trustee and Perkins stipulate and agree to the entry of an order  
15 approving this Stipulation.

16 [Signatures appear on following page.]  
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1 Dated: May 4, 2022

2 **POTOMAC LAW GROUP PLLC**

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